



Memorandum

TO: PLANNING COMMISSION

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: May 19, 2004

COUNCIL DISTRICT: 3

**SUBJECT: FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE
ALMADEN AVENUE PARKING LOT AND LANDSCAPE BUFFER PROJECT**

consisting of a **Conditional Use Permit (RCP03-011)** to allow the demolition of two single-family residences, currently located at the northwest corner of Almaden Boulevard and Woz Way (507 Almaden Avenue and 511 Almaden Avenue) to construct a 20-space parking lot and landscape buffer. The residence located at 507 Almaden Avenue has been found to be eligible for the California Register of Historic Resources.

Purpose of an EIR

This EIR has been prepared to address and evaluate the specific environmental impacts of the Almaden Avenue Parking Lot and Landscape Buffer project. The City of San José prepared an Initial Study (see Appendix A) that determined that preparation of an environmental impact report (EIR) was needed for the proposed project. In this case, demolition of the Residence located at 507 Almaden Avenue, which has been found to be eligible for the California Register, could result in a significant impact to a historic resource. The Initial Study concluded that the EIR should focus on land use plans and policies and cultural resources. The issues of aesthetics, air quality, biological resources, geology and soils, hazardous materials, hydrology and water quality, noise, population and housing, public services, transportation, and utilities were analyzed in the Initial Study and the project's impacts in these subject areas were determined to be less than significant with the City's standard mitigation measures that will be made conditions of approval of the project.

Notice of Preparation and Public Scoping Meeting

On November 3, 2003 the Director of Planning, Building and Code Enforcement sent a Notice of Preparation (NOP) to the State Clearinghouse, interested parties, and Responsible and Trustee Agencies as required by CEQA Guidelines Section 15082, to solicit participation in determining the scope of the EIR. The NOP is contained in Appendix C of the Technical Appendices of the Draft EIR. A comment letter from the Santa Clara Valley Water District on the NOP has been attached to this Staff Report and will be included in the FEIR.

A public scoping meeting was not required for the project since it does not qualify as a project of statewide, regional, or area wide significance as defined by CEQA Guidelines 15206.

Contents of the Draft FEIR (DFEIR)

This Focused EIR is limited to addressing the environmental impacts associated with the demolition of the residential structure.

1. The DEIR identifies as “Less than Significant” issues regarding Land Use. “Less Than Significant with Mitigation” means the impacts of the proposed project will not exceed the significance thresholds contained in the EIR with changes included in the project.
2. The DEIR identifies the project will result in a “Significant Unavoidable Impact” and “Significant Unavoidable Cumulative Impact” to Historic Resources. “Significant Unavoidable Impact” means that impacts of the project would exceed the significance thresholds even with changes or mitigation included in the project.

The DEIR analyzes five project alternatives that would reduce significant impacts of the project:

- A. The No Project alternative would involve leaving the structure on its present site. With this alternative, no impact to historic resources would result compared to the proposed project, until future development is proposed. The No Project Alternative would not meet the objective of the proposed project.
- B. The Relocation Alternative would relocate the 507 Almaden structure to another location within the Market-Almaden neighborhood, or to another neighborhood within San Jose. This alternative proposes to demolish the remaining house, located at 511 Almaden Avenue and construct a 20-space surface parking lot and landscape buffer. This alternative would avoid demolition of the historic structure. It would also meet the project objective to develop a 20-space parking lot and landscape buffer on the site. This alternative does not, however, include requirements for relocating the structure to an appropriate historic neighborhood or for rehabilitating it pursuant to the Secretary of the Interior’s *Standards for Rehabilitation*. Therefore, this alternative would not reduce the impact to historic resources to a less than significant level. This would be an environmentally superior alternative in that it would avoid demolition of the structure, but the structure’s integrity could be compromised.
- C. The Relocation and Rehabilitation alternative involves demolishing the 511 Almaden house and relocating the 507 Almaden structure to another site within the Market-Almaden neighborhood, where it would be rehabilitated in compliance with the Secretary of the Interior’s *Standards for Rehabilitation*. This alternative would avoid the significant unavoidable impact to historic resources since the structure would be preserved. It would also meet the project objective to develop a 20-space surface parking lot and landscape buffer on the site. This would also be an environmentally superior alternative.
- D. The On-site Rehabilitation alternative with 10-space parking lot involves demolishing the 511 Almaden house and relocating the 507 Almaden house to the southern end of the site, where it would be rehabilitated. After relocation of the historic structure, this alternative proposes to construct a 10-space surface parking lot and landscape buffer. This alternative would avoid the significant impact of the loss of a historic structure and would only partially meet the objectives of the proposed project by providing less than one-half

of the proposed parking spaces. This would also be an environmentally superior alternative.

- E. The On-site Rehabilitation alternative with 18-space parking lot (See attached Site Plan Alternative “E”) involves demolishing the 511 Almaden house and relocating the 507 Almaden house to the southern end of the site, where it would be rehabilitated. After relocation of the historic structure, this alternative proposes to construct parking behind the historic structure in addition to an 18-space surface parking lot and reduced landscape buffer for the Sobrato Office Tower. This alternative would avoid the significant impact of the loss of a historic structure and would very nearly meet the objectives of the proposed project by providing 90 percent of the proposed parking spaces. This would also be an environmentally superior alternative.

Public Notices and Review of a DEIR

On March 5, 2004, the Director of Planning, Building and Code Enforcement caused a Notice of Availability (NOA) to be published in the San Jose Mercury News and posted for review with the County Clerk.

A Notice of Completion (NOC) and the DEIR were not required to be referred to the State Clearinghouse per Sections 15205 & 15206 of the CEQA Guidelines since there are no State responsible or trustee agencies with jurisdiction over the project. However, the DEIR was referred to local agencies, and interested parties.

The DEIR was circulated for public review for a 30 day review period pursuant to Sections 15205 & 15206 of the CEQA Guidelines from March 12, 2004 to April 12, 2004, and made available for review in the Department of Planning, Building and Code Enforcement, at the Martin Luther King Junior Main Library, the Joyce Ellington Branch Library, and online on the Department’s website. The City of San Jose Historic Landmarks Commission discussed and commented on the DEIR at its monthly public hearing on April 7, 2004.

Preparation of the FFEIR

CEQA requires the Lead Agency to prepare an EIR responding to all environmental comments received on the DEIR during the public review period and to certify the Final EIR before approving the project. In responding to comments, CEQA only requires a Lead Agency to respond to significant environmental issues and does not need to provide all information requested by reviewers as long as a good faith effort at full disclosure is made in the EIR.

The City of San Jose Historic Landmarks Commission (HLC) commented on the DEIR, and identified concern that a temporary parking lot project for a vacant office tower is not an acceptable trade-off for the individual and cumulative historic resource impacts of the project. With that in mind, the HLC included their endorsement of Alternative E (On-site Rehabilitation Alternative with 18-space parking lot).

Tim Steele of Sobrato Development Companies commented on the DEIR, and identified concern that the events of September 11th raised the importance of the parking lot project, that the applicant has made a good faith effort to relocate the structure, that the applicant believes the costs of rehabilitating the structure would exceed those of demolition, and that the parking lot project would not create an impediment to future development on the site.

The First Amendment contains the City's responses to these comments on the DEIR, and text revisions to the DEIR to clarify information on the applicant's opinion on the economic feasibility of the project alternatives. The First Amendment and the DEIR constitute the FEIR. The City provided the First Amendment along with the FEIR public hearing notice to commenters on the DEIR and to City Officials on May 13, 2004, more than ten days prior to the scheduled public hearing to consider certification of the FEIR in conformance with CEQA.

RECOMMENDATION

The Director of Planning, Building and Code Enforcement recommends the Planning Commission adopt a resolution to certify that:

1. The Planning Commission has read and considered the FEIR; and
2. The FEIR has been completed in compliance with CEQA; and
3. The FEIR reflects the independent judgement and analysis of the City of San Jose; and
4. The Director of Planning, Building and Code Enforcement shall transmit copies of the FEIR to the Applicant and to the decision-making body of the City of San Jose for the project.

Stephen M. Haase, Director
Planning, Building and Code Enforcement